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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,797	SATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karen E. Toth	3735	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6 June 2007.
2. ☒ The allowed claim(s) is/are 2-8 and 10-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>3/5/07</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**CHARLES A. MARMOR II**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the remarks filed 14 June 2007, with respect to claims 1-16, have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to anticipate or make obvious the inventions of claims 2-6, 8, 10-14, and 16, including, *inter-alia*, a pulse wave measuring apparatus, and method of using said system, comprising a unit for obtaining a characteristic point from a multi-dimensional pulse wave derivative, and a unit for using the point to find an early or late systolic component within a predetermined interval, where the interval is the rising phase from the start of the pulse wave to its highest point, and the calculation of the early systolic component is performed when the characteristic point is present in the interval

O'Rourke (US Patent 5265011) discloses a system that obtains a characteristic point from a multi-dimensional pulse wave derivative, and uses the point to find an early or late systolic component within a predetermined interval; however, O'Rourke does not disclose the interval being the wave's rising phase or the point being present in the rising phase. O'Rourke's point is generally around or after the maximum point of the rising phase.

The prior art of record fails to anticipate or make obvious the inventions of claims 7 and 15, including, *inter-alia*, obtaining a characteristic point from a multi-dimensional pulse wave derivative and using the point to find an early or late systolic component within a predetermined interval, where the characteristic point is the minimum of the wave's third derivative.

O'Rourke determines the maximum of the third derivative as the characteristic point.

The prior art of record fails to anticipate or make obvious the inventions of claims 17 and 18, including, *inter-alia*, finding a characteristic point from a multi-dimensional derivative of a single beat of a pulse wave, and calculating an early systolic component using the point when the point is present in the interval defined as the rising phase of the pulse wave, and calculating a late systolic component when the point is present in the falling phase of the pulse wave.

O'Rourke determines an early systolic component in a rising phase, and a late systolic component in a falling phase, but the characteristic point is located at the peak between the two phases.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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